

GEORGIA BOARD OF FUNERAL SERVICE
Board Meeting Minutes – November 29, 2016
Professional Licensing Boards Division of the Secretary of State
237 Coliseum Drive, Macon, Georgia 31217

Members Present:

- Bryant Hightower, Chair
- Tom Lord, Vice-Chair
- W. T. Edmondson
- Joe Westbury
- Michael Fowler
- Nancy Kennedy
- William Bowen

Others Present:

- La Trena Tyler-Jones, Executive Director
- Sandy Barboza, Board Support Specialist
- Carla Murray, Licensing Analyst
- Amantha Lovett, Complaints & Compliance
- Reagan Dean, Senior Assistant Attorney General

Note: Visitors are excused during Executive Session unless scheduled for a personal appearance.

Call to Order: Bryant Hightower, Chair, noted that a quorum was present, called the meeting to order at 10:05 a.m., and declared the meeting to be “open” pursuant to the Open and Public Meeting Act, O.C.G.A. §§50-14-1 et seq.

OPEN SESSION:

Agenda:

W.T. Edmondson moved, Michael Fowler seconded, and the Board voted unanimously to approve the November 29, 2016 agenda.

Minutes:

After a review of the minutes, W.T. Edmonson moved, Michael Fowler seconded, and the Board voted unanimously to approve the October 11, 2016 Open Meeting minutes and Executive Session minutes.

Ratification List:

Licenses Issued 10-06-2016 through 11-21-16 (Total – 38):

License #	Licensee
EMB005085	Lee Van Evans
EMB005086	Christopher Daniel Miller
EMB005087	Santrevias D McCoy
EMB005088	Hannah Sue Zepplin
EMB005089	Jessica Elizabeth Gibbs
EMB005090	Austin Seth Houston
EMB005091	Craig Anthony Burnett
EMB005092	Rhondolyn Jones Smith
EMB005093	Wendy Jo Westbrook
EMB005094	Carey Marquis Shiloh
FD005487	Christopher Daniel Miller
FD005488	Santrevias D McCoy
FD005489	Hannah Sue Zepplin
FD005490	Jessica Elizabeth Gibbs
FD005491	Austin Seth Houston
FD005492	Craig Anthony Burnett
FD005493	Rhondolyn Jones Smith

License #	Licensee
FD005494	Wendy Jo Westbrook
FD005495	Carey Marquis Shiloh
FEST001965	Georgia Cremation-Fayetteville
FEST001966	Bernard's Family Funeral Care LLC
FSA006053	Bruce Andre' Swanson
FSA006054	Rosalinda Guerrero
FSA006055	Cameron Anthony O'Neal
FSA006056	Shawanda Vontrice Robertson
FSA006057	Loretta Oliveira
FSA006058	Keyunte Vincent Leach
FSA006059	Laura Vickrey Mckerley
FSA006060	Alyssia Daria Judge
FSA006061	Tiffany Danielle Baker
FSA006062	Eldon Jacob Brunton
FSA006063	Donnie Lanier Tuggle
FSA006064	Ashley Nicole Hamilton
FSA006065	Elizabeth Beoky-Betts

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License #	Licensee
FSA006066	Ronald L Mason
FSA006067	Chau Lindsey Moody

License #	Licensee
FSA006068	De'Von M Fitts
FSA006069	Stacy Doneane Thurman

Joe Westbury moved, W.T. Edmondson seconded, and the Board voted unanimously to ratify the licenses issued between meetings by application and reinstatement in accordance with Board Rules and Policies.

Public Hearing:

A public hearing was held by the Georgia Board of Funeral Service on November 29, 2016, to allow a licensee the opportunity to address a fine with the Board. The hearing was held at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, GA. The Presiding Officer, Bryant Hightower, called the hearing to order at 10:08 a.m.

EXECUTIVE SESSION:

Michael Fowler moved, W.T. Edmondson seconded, and the motion carried to enter into Executive Session at 10:16 a.m. in accordance with O.C.G.A. §§ 43-1-2(k), 43-1-19(h), and 43-18, on Tuesday, November 29, 2016 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217, to receive legal advice.

The Executive Session of the Georgia State Board of Funeral Service was closed by Bryant Hightower, Chair, at 10:20 a.m. who then declared the meeting back in public session. No votes were taken in Executive session.

OPEN SESSION:

Joe Westbury moved, W T Edmondson seconded, and the motion was carried by the Board to ratify the following recommendation made during Executive Session:

Terry Family Funeral Home LLC – FEST001648: The Board heard testimony from Inspector Joseph Spell and reviewed documentation presented by the respondent. After careful consideration, the Board voted to waive the fine.

EXECUTIVE SESSION:

Michael Fowler moved, W.T. Edmondson seconded, and the motion carried to enter into Executive Session 10:27 a.m. in accordance with O.C.G.A. §§ 43-1-2(k), 43-1-19(h), and 43-18, on Tuesday, November 29, 2016 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217, for the purpose of discussing and reviewing applications.

The Executive Session of the Georgia State Board of Funeral Service was closed by Bryant Hightower, Chair, at 11:24 a.m. who then declared the meeting back in public session. No votes were taken in Executive Session.

OPEN SESSION:

Joe Westbury moved, W T Edmondson seconded, and the motion was carried by the Board to ratify the following recommendations made during Executive Session:

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Applications:

Application # 2642153 Burke Memorial Funeral Home – Funeral Establishment – approved.

Application # 2644658 Jerry Conner Bridges - Funeral Director & Embalmer – approved.

Application # 2641735 Salmon Funeral Home LLC - Funeral Establishment – approved.

Application # 2644656 Matthew Everett Jarratt - Funeral Director & Embalmer – approved.

Application # 2645127 – W.A.H. - Funeral Director & Embalmer – tabled for an appearance before the Board.

Application # 2646200 – A.M.H. - Funeral Director & Embalmer – tabled for an appearance before the Board.

Application # 2647317 – Johnny Ray Strickland – Funeral Director & Embalmer – approved pending examination.

Application #'s 2647599 & 2647602 – Low Country Cremation & Burial – Change of Name – approved.

Application # 2648001 – Smith & Miller Funeral Home – Funeral Establishment – approved.

Application # 2647132 – Vincent Todd Ferreira – Funeral Director & Embalmer – approved pending verification of employment; 3 years' tax returns.

Public Hearing:

A public hearing was held by the Georgia Board of Funeral Service on November 29, 2016, to allow a licensee the opportunity to address a fine with the Board. The hearing was held at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, GA. The Presiding Officer, Bryant Hightower, called the hearing to order at 11:35 a.m. At the conclusion of the hearing, the Board rendered the following decision on the case presented:

Victory Memorial Chapel – FEST001438: The Board heard testimony from Inspector Patsy Blanchard. The respondent did not attend the hearing after having been duly notified. The Board conducted the hearing and after careful consideration the Board voted to uphold the fine.

EXECUTIVE SESSION:

Michael Fowler moved, W.T. Edmondson seconded, and the motion carried to enter into Executive Session at 11:44 a.m. in accordance with O.C.G.A. §§ 43-1-2(k), 43-1-19(h), and 43-18, on Tuesday, November 29, 2016 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217, for the purpose of discussing and reviewing complaint cases.

The Executive Session of the Georgia State Board of Funeral Service was closed by Bryant Hightower, Chair, at 12:57 p.m. who then declared the meeting back in public session. No votes were taken in Executive session.

Recessed for lunch

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EXECUTIVE SESSION Resumed:

Michael Fowler moved, W.T. Edmondson seconded, and the motion carried to enter into Executive Session at 1:40 a.m. in accordance with O.C.G.A. §§ 43-1-2(k), 43-1-19(h), and 43-18, on Tuesday, November 29, 2016 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217, for the purpose of interviewing applicants, discussing and reviewing applications, and to hear the Attorney General's report.

The Executive Session of the Georgia State Board of Funeral Service was closed by Bryant Hightower, Chair, at 3:19 p.m. who then declared the meeting back in public session. No votes were taken in Executive session.

OPEN SESSION:

William Bowen moved, Tom Lord seconded, and the motion was carried by the Board to ratify the following recommendations made during Executive Session.

Complaints:

FUN170049 – Tabled – Referred to Inspectors to obtain a statement from the FDFCC and Owner.

FUN170050 – Closed – No contract; no jurisdiction.

FUN170051 – Closed – Certificate filed.

FUN170035 – Closed – Issue resolved.

FUN170054 – Tabled – Referred to Inspectors to obtain a statement from the owner.

FUN170056 – Tabled – Active litigation.

FUN160151 – Closed – Send a letter of concern.

FUN170009 – Closed – No violations found.

FUN170057 – Tabled. – Obtain photographs from complainant.

FUN170059 – Tabled – Offer a cease and desist order.

FUN170060 – Closed – No violations found.

FUN170061 – Tabled – referred to Inspectors to obtain a statement from the owner.

FUN160109 – Closed – No violation found. Michael Fowler recused.

FUN160152 – Tabled – Schedule an appointment for an appearance before the Board.

FUN170030 – Tabled – Referred to the Attorney General for Summary Suspension.

Appointments:

Appearance # 2642556 – McLeighton Funeral Service – change FDFCC to William Joseph Blasche – approved.

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Appearance # 2638936 – Eric J Pinney - Funeral Director / Embalmer by reciprocity or endorsement, approved pending results of exam.

Appearance # 2643304 – Worth Mortuary - change FDFCC to William Joseph Blasche – approved.

Appearance # 2644769 – Cagle Funeral Home Inc – change FDFCC to James Luke Wigington – approved.

Appearance # 2644766 – Caldwell & Cowan Funeral Home Inc. – change FDFCC to Christine Banks – approved.

Appearance # 2645295 – Lamb’s International Funeral Home – change FDFCC to Kennon Anthony Woods – approved.

Appearance # 2617767 – Middle Georgia Crematory – New facility – FDFCC Christopher Holmes Clark – approved.

Appearance # 2646206 – F L Sims Funeral Home LLC - change FDFCC to Jerry Murray – approved.

Appearance # 2647134 – Ivey Funeral Home – change FDFCC to Harry Maxwell Bryant – approved pending resignation of previous FDFCC.

Attorney General’s Report:

The Board reviewed the Attorney General’s report and took recommendations under consideration.

FUN170041 – Closed.

Reviewed written legal advice reference rule amendments.

OTHER BUSINESS:

Continuing Education:

Joe Westbury moved, Nancy Kennedy seconded, and the motion carried by the Board to accept the Continuing Education Committee’s recommendations to approve the following continuing education courses as presented:

Provider	Course	Points
Aurora Casket - Matthews Int'l	Casket Manufacturing Plant Tour	4
CANA	Crematory Operations Certification Program	8
GFDA	Improving Funeral Home Cash Flow	2
ICCFA	2017 Wide World of Sales Conference	13
KAVOD	Upping Your Game - What to do When the Competition Levels the Playing Field	2
KAVOD	From Scratch - Building a Successful Funeral Business from the Ground Up	1
NFDA	DOL Overtime Compensation	1
Regulatory Support Services	The Funeral Finer: FTC Compliance	2
Regulatory Support Services	OSHA and the Workplace: Condition Green, Yellow, or Red	2

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Provider	Course	Points
Selected Independent Funeral Homes	2017 NextGen Seminar	9
The Conference	Board Member Training Program	8

Joe Westbury moved, W.T. Edmondson seconded, and the motion carried by the Board to accept the following orders:

Docketed Orders:

Orders to Accept Fine Monies:

Name	License #	Docket #	City	Amount Accepted
F.L. Sims Funeral Home-Decatur	FEST001948	2016-2020	Decatur	\$200
Jones Funeral Home	FEST001001	2016-2073	Tunnel Hill	\$450
Gregory B Levett & Sons Inc	FEST001007	2016-2075	Scottsdale	\$100
Tara Garden Chapel	FEST001776	2016-2076	Jonesboro	\$200
McLeighton Funeral Service	FEST001832	2016-2074	Butler	\$50
Orders to Accept Fine Monies Total				\$1,000

Cease & Desist	Payne, Nathaniel	FD002955	2016-1981
Cease & Desist	Smith Steele Meadows Funeral Home	FEST001271	2016-2121

90 Day Grace Period Request:

Joe Westbury moved, Nancy Kennedy seconded, and the Board voted unanimously to approve the following 90-day grace period requests:

Name	License #	Location	Decision
Smith Georgia Crematory	CREM000102	Waycross	Approved
Nelson's Memorial Mortuary	FEST001244	Warner Robins	Approved
Bentley Carson Memorial Funeral Home	FEST001314	Cordele	Approved
Cagle Funeral Home	FEST000390	Jasper	Approved

Proposed Rule Amendments:

Received authority to post 22 rule amendments.

250-1-.01	250-5-.01	250-5-.06	250-5-.12	250-6-.08
250-1-.04	250-5-.02	250-5-.07	250-6-.01	250-7-.01
250-4-.02	250-5-.03	250-5-.09	250-6-.02	
250-4-.03	250-5-.04	250-5-.10	250-6-.06	
250-4-.05	250-5-.05	250-5-.11	250-6-.07	

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Rule 250-1-.01 Organization of Board

The Board shall be composed of seven (7) members who are appointed by the Governor. The seven (7) members shall be constituted as follows: six (6) members, each of whom is a licensed and practicing funeral director and embalmer with a minimum of five (5) years as such in this state immediately prior to appointment, plus one (1) consumer advocate member who shall have no connection whatsoever with the funeral service industry. Each member shall be appointed by the Governor for a term of six (6) years.

Cite as Ga. Comp. R. & Regs. R. 250-1-.01

Authority: Ga. L. 1964, p. 341; O.C.G.A. Sec. 43-18-21.

History. Original Rule entitled "Organization of Board" was filed and effective on June 30, 1965.

Repealed: New Rule, same title, adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Rule 250-1-.04 Restrictions on Board Members' Activities

- (1) No Board member shall participate in the deliberation or the vote on licensure or registration of any applicant who is employed by, was previously employed by, or is being hired by that Board member.
- (2) No Board member shall participate in the deliberation or the vote on licensure or registration of any applicant:
 - (a) who is known to be a relative of that Board member, or
 - (b) with whom that ~~B~~board member has a personal relationship which could affect the Board member's judgment.
- (3) No Board member shall participate in the deliberation or the vote on licensure for any establishment or crematory in which the member has an ownership or management interest.
 - (a) For purposes of administering this rule, "ownership" is determined by whether the Board member has authority and responsibility for making decisions concerning the operations of the organization as a whole. "Ownership" does not include holding an insignificant equity ownership, such as in common stocks and bonds.
 - (b) For purposes of administering this rule, "management interest" is determined by whether the Board member has direct management responsibilities for the establishment involved in the vote or deliberation.

Cite as Ga. Comp. R. & Regs. R. 250-1-.04

Authority: O.C.G.A. Secs. 43-1-25, 43-18-23.

History. Original Rule entitled "Restrictions on Board Members' Activities" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Repealed: New Rule of same title adopted. F. Dec. 10, 2009; eff. Dec. 30, 2009.

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Rule 250-4-.02 Apprentice Registration. Amended

- (1) An apprentice must be currently registered with the Board in order to receive credit for time served as an apprentice. An applicant for registration as a funeral service apprentice must:
 - (a) Be at least 18 years of age;
 - (b) ~~At minimum, be~~ Be a high school graduate or holder of a General Education Development (GED) certification of high school equivalency;
 - (c) An applicant must file an application on a form available from the Board; this application must be verified by oath and be accompanied by the registration fee. This application shall ask questions regarding the applicant's conviction of a felony or misdemeanor and violations or sentences under the First Offender Act.
 - (d) An applicant must designate the specific funeral director and/or embalmer under whom he/she will be apprenticing. Such supervisor must be approved by the Board as specified in Rule 250-4-.05.
 - (e) An applicant must designate the specific establishment in the ~~S~~state of Georgia at which he/she will be apprenticing. Such establishment must be approved by the Board as specified in Rule 250-4-.05 and must have conducted an average of at least ~~thirty~~ (30) funerals per year over the preceding five ~~(5)~~ years.
 - (f) An application for registration shall be viewed only after it is complete. An application must be completed at least ~~fifteen~~ (15) business ~~working~~ days prior to a Board meeting, and the Board's acceptance or rejection of each application shall be by majority vote of the entire Board.

Cite as Ga. Comp. R. & Regs. R. 250-4-.02

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-18-23, 43-18-50, 43-18-51, 43-18-54.

History. Original Rule entitled "Computation of Service as an Apprentice; Reports" adopted, F. May 3, 1973; eff. May 23, 1973.

Repealed: New Rule entitled "Serving of Apprenticeship" adopted, F. Dec. 18, 1991; eff. Jan. 7, 1992.

Repealed: New Rule entitled "Registration" adopted, F. Mar. 22, 1993; eff. Apr. 11, 1993.

Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 250-4-.03 Serving of Apprenticeship

- (1) Hours and Duration. An apprenticeship period consists of 3,120 hours served in a time period of no less than eighteen (18) months and no more than two (2) renewal cycles as defined in O.C.G.A. § 43-18-50(c). This period shall be measured from the date the application is approved by the Board. The eighteen-month minimum is in addition to the time required to graduate from a college of funeral service accredited by the American Board of Funeral Service Education or such other college specifically approved by the Board. An apprentice shall be allowed to serve a maximum of four (4) hours per day for credit towards completion of the apprenticeship period while enrolled in such college.
- (2) Business Hours. Regular business hours, for purposes of apprenticeship, means the hours between 8:00 A.M. and 10:00 P.M.

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- (3) Sleeping. An apprentice may not count hours spent sleeping in a funeral establishment toward his/her hours of requirement, even if such time spent sleeping occurs during the regular business hours as defined in Rule 250-4-.03(2).
- (4) Reports. Every six (6) months, each apprentice shall furnish to the Board the details of the hours spent in employment as an apprentice on forms supplied by the Board. After completing the 3,120 hours for apprenticeship within the specified period, the apprentice shall send the last report to the Board regardless of the date. The information contained in the report shall be certified as correct by the funeral director in full and continuous charge and by the supervising funeral director and embalmer. The report will specify the number of bodies which the apprentice has assisted with embalming and the number of funerals in which the apprentice has assisted. This report shall be current and available for inspection.

Cite as Ga. Comp. R. & Regs. R. 250-4-.03

Authority: O.C.G.A. Secs. 43-1-19, 43-18-5, 43-18-23, 43-18-41, 43-18-50 to 43-18-52.

History. Original Rule entitled "Full-Time Apprenticeship" adopted. F. May 3, 1973; eff. May 23, 1973. R.

Repealed: New Rule entitled "Fees and Renewal" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Repealed: New Rule entitled "Serving of Apprenticeship" adopted. F. Mar. 22, 1993; eff. Apr. 11, 1993.

Amended: F. Feb. 17, 1999; eff. Mar. 9, 1999.

Amended: F. Aug. 16, 2002; eff. Sept. 5, 2002.

Repealed: New Rule with same title adopted. F. July 24, 2012; eff. Aug. 13, 2012.

Rule 250-4-.05 Board-approved Supervisor

- (1) An apprenticeship must be served under one (1) or more Board-approved supervisors. A board-approved supervisor shall be either:
- (a) an individual who is currently licensed by the state of Georgia as a funeral director and embalmer; or
 - (b) two (2) individuals, one (1) of whom is currently licensed by the state of Georgia as a funeral director and the other of whom is currently licensed by the state of Georgia as an embalmer.
- (2) An embalmer and/or funeral director who seeks Board approval ~~as to serve as a supervisor from the Board~~:
- (a) must be employed, either full time or as a trade embalmer, at an establishment approved by the Board as an apprentice sightsite. In addition to any other requirements, a trade embalmer seeking approval as a supervisor:
 - 1. must embalm at the establishment where the apprentice is registered;
 - 2. can only supervise four (4) apprentices in total; and
 - 3. must appear before the Board for approval.
 - (b) must have been employed as a licensee for at least three (3) years;
 - (c) must provide direct supervision which shall mean a licensed supervisor present in the same room as apprentice during arrangements, embalming a body or conducting funeral services;
 - (d) is responsible for ensuring that the apprentice complies with the Rules and Regulations of the Board while under his/her supervision;
 - (e) may not provide concurrent supervision to more than four apprentices without Board approval.
- (3) The Board may withdraw approval of a supervisor based upon evidence of the inability to supervise an apprentice properly or upon other relevant considerations.
- (4) A licensee who becomes unable to continue to supervise must notify the Board of same by registered mail no later than five (5) days after his/her last date of service as a provider of supervision.

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- (5) An apprentice may receive credit for hours served only if his/her supervisor has current Board approval. An apprentice serving under a licensee whose approval to supervise has been withdrawn or who becomes unable to continue to supervise may apply to the Board to serve under a different licensee who is a Board-approved supervisor without paying an additional fee for Change of Supervisor.

Cite as Ga. Comp. R. & Regs. R. 250-4-.05

Authority: O.C.G.A. Secs. 43-1-19(a)(2), 43-18-50.

History. Original Rule entitled "Board-approved Establishment", adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Amended: Rule entitled "Board-approved Supervisor" renumbered from 250-4-.04, F. Mar. 22, 1993; eff. Apr. 11, 1993.

Rule 250-4-.06 Board-approved Apprenticeship Establishment

- (1) An apprenticeship must be served at a Board-approved establishment. An establishment, to become a Board-approved establishment, must:
- (a) have a valid Georgia funeral establishment license;
 - (b) have no ~~unresolved inspection violations; outstanding violations in its last three inspections;~~ and
 - (c) ~~submit an application upon which the funeral establishment certifies~~ certify that it has embalmed an average of at least ~~thirty (30)~~ thirty (30) bodies per year over the preceding five ~~(5)~~ (5) years. Funeral establishments which have been in business for less than five ~~(5)~~ (5) years or averaged less than ~~thirty (30)~~ thirty (30) embalmed bodies per year must have embalmed at least ~~one hundred fifty (150)~~ one hundred fifty (150) bodies ~~before being reviewed for approval by the Board.~~
- (2) An establishment may qualify for one ~~(1)~~ (1) apprentice for each ~~thirty (30)~~ thirty (30) bodies it embalms each year. An establishment which embalms less than ~~thirty (30)~~ thirty (30) bodies per year may only have one ~~(1)~~ (1) apprentice.
- ~~(3) Approval of an establishment shall be valid for no more than five consecutive years. Re approval will be considered upon receipt of a new application.~~
- ~~(4)~~ (3) The Board may withdraw approval of an establishment if it deems the establishment to be inappropriate for apprenticeship training. An apprentice serving at an establishment whose approval is withdrawn shall receive notification thereof ~~at least sixty (60)~~ at least sixty (60) days prior to the effective date of withdrawal and may not receive credit for any hours served at the establishment after said ~~sixty (60)~~ sixty (60) days. Such apprentice may apply to the Board to serve at a Board-approved ~~a~~ establishment ~~with Board approval~~ without ~~paying~~ having to pay an additional fee for change of location.

Cite as Ga. Comp. R. & Regs. R. 250-4-.06

Authority: O.C.G.A. Sec. 43-1-19(a)(2).

History. Rule entitled "Board-approved Establishment" renumbered from 250-4-.05, F. Mar. 22, 1993; eff. Apr. 11, 1993.

Chapter 250-5 PERSONAL LICENSURE

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Rule 250-5-.01 General Requirements: Embalmer

- (1) An applicant for licensure as an embalmer must satisfy the following requirements:
 - (a) be at least 18 years of age at the time of application;
 - (b) be of good moral character; and
 - (c) At minimum, have graduated from a high school or have earned a general education development certificate.
- (2) An applicant for licensure as an embalmer shall make written application to the Board on forms ~~which will be provided upon request~~, shall submit the appropriate fee, and shall provide proof of the following:
 - (a) graduation from a college of funeral service accredited by the American Board of Funeral Service Education or such other college specifically approved by the Board.
 - (b) 3,120 hours of service as an apprentice as specified in Rule 250-4-.02 and in O.C.G.A. Section 43-18-50.
 - (c) an affidavit which states that the apprentice assisted in embalming at least fifty (50) bodies and which specifies the names and dates of death.
- (3) An application for licensure as an embalmer shall be reviewed by the Board only after it is complete. This application shall ask questions regarding the applicant's conviction of a felony or misdemeanor and violations or sentences under the First Offender Act. An application must be complete at least fifteen (15) days prior to a Board meeting, and the Board shall accept or reject each application by majority vote.

Cite as Ga. Comp. R. & Regs. R. 250-5-.01

Authority: O.C.G.A. Secs. 43-18-23, 43-18-40, 43-18-41, 43-18-50.

History. Original Rule entitled "Procedural Rules" adopted. F. July 26, 1976; eff. Aug. 15, 1976.

Repealed: New Rule entitled "General Requirements: Embalmer" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Amended: F. Oct. 23, 1992; eff. Nov. 12, 1992.

Amended: F. Oct. 20, 1995; eff. Nov. 9, 1995.

Amended: F. Aug. 16, 2002; eff. Sept. 5, 2002.

Rule 250-5-.02 Licensure by Examination: Embalmer

- (1) An applicant for licensure as an embalmer must attain a passing score, as determined by the Board, on the Funeral Service Science Examination of the National Conference of Funeral Service ~~Examination-Examining~~ Boards. Any examination fee which may be required shall be paid directly to the Conference. An individual may take the Funeral Service Science and Funeral Service Arts Examinations of the National Conference on the same date.
- (2) Veterans who qualify for Veterans Preference Points may have additional points added to their score. Information on points may be obtained from the Board office.
- (3) An applicant for licensure as an embalmer must direct the National Conference to provide the Board with certification that he/she passed the Funeral Service Science Examination.

Cite as Ga. Comp. R. & Regs. R. 250-5-.02

Authority: O.C.G.A. Secs. 43-18-23, 43-18-40.

History. Original Rule entitled "Licensure by Examination: Embalmer" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Amended: F. Feb. 11, 2000; eff. Mar. 2, 2000.

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Rule 250-5-.03 Licensure by Reciprocity or Endorsement: Embalmer

The Board may ~~consider licensure by reciprocity, upon payment of the appropriate fee, issue~~ without the requirement of taking the ~~National Examination and upon payment of the appropriate fee, to any an embalmer license~~ to any person licensed as an embalmer by another State, territory, or country, or by the District of Columbia. An applicant for licensure as an embalmer by ~~endorsement/reciprocity~~ must successfully pass a written examination approved by the Board which tests knowledge of the law of this state relating to funeral directors and must either:

- (a) satisfy the requirements listed in Rule 250-5-.01 above; or
- (b) hold a valid embalmer's license in a jurisdiction whose requirements for licensure as an embalmer are substantially equal to the requirements for licensure as an embalmer in Georgia.
- (c) Furthermore, no endorsement embalmer license may be issued on the basis of another reciprocal or endorsement license.
- (c) Or, a An applicant who cannot meet the requirements of (a) or (b) in this rule may be issued a license as an embalmer by endorsement upon submission of documentation from an employer attesting that the applicant has been engaged in the active practice of funeral service as a licensed embalmer and funeral director for a minimum of three (3) years immediately preceding the submission of an application for licensure in Georgia, in accordance with the provisions of O.C.G.A. § 43-18-42(a)(2). For the purposes of this rule, "immediately preceding" shall mean that the applicant must submit the appropriate application to the Board office within six (6) months of leaving the state in which he or she has been actively engaged in the active practice of funeral service.

Cite as Ga. Comp. R. & Regs. R. 250-5-.03

Authority: O.C.G.A 43-18-2, 43-18-23 and 43-18-42.

History: Original Rule entitled "Licensure by Endorsement: Embalmer" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Amended: F. Jul. 24, 2012; eff. Aug. 13, 2012.

Rule 250-5-.04 General Requirements: Funeral Director

- (1) An applicant for licensure as a funeral director must satisfy the following requirements:
 - (a) be at least 18 years of age at the time of application; and
 - (b) be of good moral character;
 - (c) At minimum, have graduated from a high school or have earned a general education development certificate.
- (2) An applicant for licensure as a funeral director shall make written application to the Board on forms provided by the Board, which will be provided upon request, shall submit the appropriate fee, and shall provide the following:
 - (a) proof of valid licensure as an embalmer in the State of Georgia.
 - (b) an affidavit which states that the apprentice assisted with at least fifty (50) funerals and which specifies the names and dates of death.

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- (3) An application for licensure as a funeral director shall be reviewed ~~by the Board~~ only after it is complete. This application shall ask questions regarding the ~~applicant's~~ conviction ~~of~~ for a felony or misdemeanor and violations or sentences under the First Offender Act. An application must be completed at least ~~fifteen~~ (15) days prior to a Board meeting, and the Board shall accept or reject each application by majority vote.

Cite as Ga. Comp. R. & Regs. R. 250-5-.04

Authority: O.C.G.A. Sec. 43-18-23, 43-18-41.

History. Original Rule entitled "General Requirements: Funeral Director" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Amended: F. Oct. 23, 1992; eff. Nov. 12, 1992.

Amended: F. Oct. 20, 1995; eff. Nov. 9, 1995.

Rule 250-5-.05 Licensure by Examination: Funeral Director

- (1) An applicant for licensure as a funeral director must attain a passing score, as determined by the Board, on both the Funeral Service ~~Science and Funeral Service~~ Arts Examinations of the National Conference of Funeral Service Examining Boards. Any examination fee which may be required shall be paid directly to the Conference. An individual may take the Funeral Service Science and Funeral Service Arts Examination of the National Conference on the same date.
- (2) An applicant for licensure must direct the Conference to provide the Board with certification that he/she passed both examinations.
- (3) An applicant for a funeral director license on or after January 1, 1991, must also pass the Board approved Jurisprudence Examination which covers state laws regarding funeral directing. The application for the examination must be submitted to the Board at least ~~forty-five~~ (45) days before a scheduled examination.

Cite as Ga. Comp. R. & Regs. R. 250-5-.05

Authority: O.C.G.A. Secs. 43-18-23, 43-18-41.

History. Original Rule entitled "Licensure by Examination: Funeral Director" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Amended: F. Jan. 30, 1996; eff. Feb. 19, 1996.

Amended: F. Feb. 11, 2000; eff. Mar. 2, 2000.

Rule 250-5-.07 Display of Licenses

- (1) Each person ~~listed-licensed~~ by the Board must display his/her license conspicuously in his/her principal funeral establishment where employed.
- (2) A trade embalmer or funeral director who works in more than one establishment must display a duplicate photocopy of his/her license in establishment or crematory in which he/she works.

Cite as Ga. Comp. R. & Regs. R. 250-5-.07

Authority: O.C.G.A. Sec. 43-18-44.

History. Original Rule entitled "Display of Licenses" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

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Rule 250-5-.09 License Renewal

- (1) An initial embalmer license or funeral director license shall become effective upon issuance of a license number by the Board.
- (2) ~~Each embalmer licenses or and funeral director licenses~~ expires on March 31 of even-numbered years. Licenses may be renewed with the submission of a renewal application plus a renewal fee prior to the license expiration date. Licenses who hold both an embalmer and funeral director license must renew their embalmer license in order to renew their funeral director license. If you are licensed as an embalmer and funeral director, you must renew your embalmer's license in order to renew your funeral director's license.
- (3) During the period between April 1 and April-June 30 immediately following the expiration of a license, the licensee may be renewed upon submission of an application and a late renewal fee (not to exceed \$250.00) ~~a penalty fee~~ in addition to the regular renewal fee ~~and application~~. After April 1 and prior to April 30 the Board staff will notify in writing all those who have not yet renewed their license. fail to renew. Those Anyone failing to renew their license prior to July 1 will be subject to fines and disciplinary action by the Board.

Cite as Ga. Comp. R. & Regs. R. 250-5-.09

Authority: O.C.G.A. Sacs. 43-18-43, 43-1-19(1).

History. Original Rule entitled "Renewal" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Amended: F. Oct. 20, 1995; eff. Nov. 9, 1995.

Amended: F. May 1, 1998; eff. May 21, 1998.

Rule 250-5-.10 Revocation and Reinstatement

Failure to renew an embalmer or funeral director license prior to ~~May~~July 1 of the renewal year shall have the same effect as revocation. Any consideration for license reinstatement shall be at the discretion of the Board and shall require submission of a reinstatement application and reinstatement fee.

- (a) The Board in its discretion may reinstate a funeral director license upon receipt of an application, evidence of completion for ten (10) hours of approved continuing education units for any applicant who is under 65 years of age and appropriate fees. See fee schedule. Additionally, a person applying for reinstatement more than two (2) years after the expiration date of his/~~or~~ her license ~~expired shall be required to present proof of having passed the state laws and rules~~ re take and pass the Board-approved Jurisprudence Examination on Georgia law regarding funeral directing examination, notwithstanding the fact that he/she may have passed the laws and rules examination on a prior date.

Cite as Ga. Comp. R. & Regs. R. 250-5-.10

Authority: O.C.G.A. Secs. 43-18-43, 43-1-19(L), 43-18-49, 43-1-25, 43-18-23(3), 43-18-55, 43-18-56.

History. Original Rule entitled "Revocation and Reinstatement" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992. Rule 250-5-.10 has been repealed and a new Rule of the same title adopted. Filed May 16, 2001; effective June 5, 2001.

Amended: F. Apr. 25, 1996; eff. May 15, 1996.

Amended: F. May 13, 1997; eff. Jun. 2, 1997.

Amended: Rule repealed and a new Rule of same title adopted. F. May 16, 2001; eff. June 5, 2001.

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Rule 250-5-.11 Inactive Status

A person must have a current Georgia license in order to apply for inactive status.

- (a) A funeral director or embalmer who holds a current license and who will not practice funeral directing or embalming in Georgia may apply for inactive status by completing an Application for ~~inactive~~ **S**status and submitting the appropriate fee (see Fee Schedule) to the Board. Once the license is on ~~inactive~~ **S**status, an embalmer or funeral director **shall not** practice embalming or funeral directing in the State of Georgia while that license is on Inactive Status.
- (b) ~~In order to~~ **To request that a license be placed on -place a license on** ~~inactive~~ **S**status, the license must be in good standing and the licensee must show that he/she has attained the ~~met~~ continuing education hours which will be required at their next renewal.
- (c) A funeral director or embalmer who wishes to reactivate an ~~inactive~~ **S**status license must submit to the Board an Application to Reactivate, appropriate fee, and documentation of continuing education.
 - 1. If the request to reactivate is received more than two **(2)** years but less than four **(4)** years from the date on which ~~inactive~~ **S**status was approved, the licensee must document five (5) continuing education hours.
 - 2. If the request to reactivate is received four **(4)** or more years after the date on which ~~inactive~~ **S**status was approved, the licensee must document ten **(10)** continuing education hours and take and pass the State Laws and

Rules Examination, notwithstanding the fact that he/she may have passed the Laws and Rules Examination on a prior date.

Cite as Ga. Comp. R. & Regs. R. 250-5-.11

Authority: O.C.G.A. Secs. **43-1-22**, **43-18-23**.

History. Original Rule entitled "Inactive Status" adopted. F. Dec. 10, 2009; eff. Dec. 30, 2009.

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Rule 250-5-.12 Continuing Education Requirements; Provider Approval

- (1) Effective for the 1998 license renewal, a total of ten (10) hours of continuing education are required biennially (every two (2) years) to renew an embalmer or funeral director license. Each licensee shall report in writing, under oath, the number of hours of continuing education he/she completed. Such report will be due at the time of renewal and shall accompany the Application for License Renewal. These continuing education hours shall have been obtained during the last two (2) years preceding the renewal.
- (2) All licensees must obtain ten (10) hours whether they hold one or two licenses.
- (3) Funeral directors or embalmers who are licensed by the Board within the second year of the renewal cycle (after April 1 of the odd numbered year) will not be required to submit any continuing education hours for their first time they renew their license renewal.
- (4) Hardship, Disability and Age Requirement. The continuing education requirement shall be waived for persons who hold an inactive Status license or for licensed individuals over the age of 65.
 - (a) The Board shall may waive the continuing education requirement in cases of hardship, disability, illness, or under such circumstances as the Board deems appropriate. Such waiver must be requested in writing to the Board and must be accompanied by acceptable documentation.
- (5) The Board shall be authorized to approve courses offered by educational institutions, specialty societies, professional or other organizations, and government agencies upon submission of an application and non-refundable fee. For the purpose of this rule, government agencies means federal, state or local government agencies, public school systems and licensed hospitals. The board Board may, in its discretion, accept continuing education hours that are approved for continuing education hours that are approved in another state. The Board may require the licensee to submit various information concerning the course(s), and proof of successful completion.
- (6) Board Approved Providers. Continuing education hours may be obtained by participating in activities sponsored by Board-Approved Providers. Board-Approved Providers may only offer programs in the topic areas for which they have been approved. The provider shall certify the number of clock hours of educational content in each continuing education activity.
 - (a) ~~In order to~~ qualify for initial Board approval, to renew Board approval or to qualify for approval in additional topic areas, a provider must submit to the Board:
 1. a Funeral Service Board-Approved Continuing Education Provider Application and non-refundable fee (See fee schedule);
 2. a description of the topic areas in which the provider plans to sponsor continuing education activities;
 3. the names of all instructors currently offering continuing education activities, a description of the topic areas in which the instructor is qualified to teach along with a resume or other evidence demonstrating that each instructor is qualified in the identified topic area; and
 4. program outlines, including instructors, objectives, schedules and instructional material.
 - (b) Board-Approved Provider status shall expire March 31 of even numbered years. The Provider must submit a new application and non-refundable application fee for the next renewal cycle. The Board retains the right to monitor continuing education programs sponsored by Board-Approved Providers and will withdraw approval from providers who do not maintain Board standards.

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- (7) Reporting and Documentation. Each licensee shall maintain documentation of their continuing education activities.
- (a) Each licensee shall attest, on his/her biennial license renewal application, that he/she has satisfied the continuing education requirements. Documentation of these activities shall be retained for three (3) years by the licensee and not sent to the Board unless requested by the Board. False attestation of satisfaction of the continuing education requirements on a renewal application may subject the licensee to disciplinary action, including license revocation.
 - (b) The Board will audit a fixed percentage of the renewal applications. Licensees whose applications are audited will be required to provide documentation of his/her continuing education requirements.
 - (c) An audited licensee who fails to provide the Board with acceptable documentation of the hours attested to in their application shall not have their license renewed. In the event the person seeks a new license, the Board may in its discretion review and take into consideration any and all files, including investigative files and/or reports, related to the person and/or establishment.

Cite as Ga. Comp. R. & Regs. R. 250-5-.12

Authority: O.C.G.A. Secs. 43-1-23, 43-18-55, 43-18-56, 43-18-73.

History. Original Rule entitled "Continuing Education Requirements" adopted F. Dec. 10, 2009; eff. Dec. 30, 2009.

Rule 250-6-.01 Funeral Establishment / Crematory Licensure Requirements

- (1) A funeral establishment or crematory may be operated only if it possesses a license valid for that establishment or crematory. Application to the Board for licensure shall be made on a Board-approved form ~~which will be provided upon request~~ and shall require submission of the proper fee. Application must be complete in its entirety and must be received at least fifteen (15) days prior to the Board meeting at which it will be considered. The Board shall accept or reject each application by majority vote.
- (2) A license for a funeral establishment or crematory is issued to that particular establishment or crematory under a specified name, at a specified location, and under a specified funeral director in full and continuous charge.

3 An establishment shall operate only under the name in which the license was issued.

- (43) A license may be issued to a funeral establishment or crematory only if such business has a licensed Funeral Director in Full and Continuous Charge. See O.C.G.A. § 43-18-71 and Rule 250-6-.08 for the requirements concerning the Funeral Director In Full And Continuous Charge.
- (45) An inspection of a funeral home or crematory shall be made by a Board inspector prior to licensure. Inspection must be completed after the application has been approved and prior to Board meeting at which it will be considered. Requirements of inspection for funeral establishment and crematories are listed in Rule 250-6 --.06 and Rule 250-6.07, respectively. If reinspection is required, an additional fee shall be payable prior to reinspection. Refer to Fee Schedule.
- (65) A crematory may be operated only if it possesses a separate license for such purpose. However, a funeral establishment for which a valid license to operate is in effect on July 1, 2002, shall not be required to obtain a separate license to operate a crematory until on and after the renewal date to operate a funeral establishment must comply with all of the minimum equipment and facilities requirements and all other statutes, rules and regulations relating to crematories.

Cite as Ga. Comp. R. & Regs. R. 250-6-.01

Authority: O.C.G.A. Secs. 43-1-2, 43-1-19, 43-18-23, 43-18-70 to 43-18-73.

History. Original Rule entitled "Reciprocity for Funeral Director License" adopted F. Jan. 21, 1977; eff. Feb. 10, 1977.

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Amended: F. Dec. 29, 1978; eff. Jan. 18, 1979.

Repealed: New Rule of same title adopted. F. Nov. 7, 1983; eff. Nov. 27, 1983.

Repealed: New Rule entitled "Reciprocity for Embalmer License" adopted. F. July 18, 1986; eff. Aug. 7, 1986.

Repealed: New Rule entitled "Licensure Requirements" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Amended: F. Oct. 20, 1995; eff. Nov. 9, 1995.

Amended: F. Aug. 16, 2002; eff. Sept. 5, 2002.

Rule 250-6-.02 Change in Name, Address, Location or Ownership of Status Which Must be Reported

- (1) Name. A change in the name of a funeral establishment or crematory shall require written submission of an application ~~to the Board~~ and submission of the appropriate fee to the Board. Upon Board approval, a different new license number shall be issued.
- (2) Address or Location. A change in the address and/or location of a funeral establishment or crematory shall require written submission of an application ~~to the Board~~ and submission of the appropriate fee to the Board. Upon Board approval, a different new license number shall be issued.
- (3) Ownership. A change of ownership of a funeral establishment or crematory shall require written submission of an application to the Board and appropriate fee to the Board notification within fifteen (15) days of the change in ownership of the said funeral establishment or crematory. Such notification must be signed by both the seller and the purchaser, and the signatures must be notarized.
- (4) Funeral Director in Full and Continuous Charge.
 - (a) Any change in the Funeral Director In Full And Continuous Charge must be reported to the Board in writing within five (5) days. The Board shall request the new Funeral Director In Full And Continuous Charge and the owner(s) and/or corporate officer(s) of the establishment or crematory to appear before the Board to determine if the requirements for a Funeral Director In Full And Continuous Charge have been met. If the owner(s) and/or corporate officer(s) are not able to appear before the Board, they may appoint a representative through written authorization on company letterhead signed by the owner and/or corporate officer to represent them before the Board for the Funeral Director In Full And Continuous Charge interview. In the event the Funeral Director In Full And Continuous Charge applicant is also an owner of that funeral or crematory establishment, the requirement to appear before the Board may be waived.
 - (b) A funeral establishment or crematory temporarily without a Funeral Director In Full And Continuous Charge shall notify the Board in writing within five (5) days following the last day of the funeral director's service, requesting a 90-day grace period before the establishment or crematory license is revoked or terminated. The Board at its discretion may grant one additional 90-day grace period upon proof of good cause, but grace periods may not total over 180 days in any two-year period starting from the first day of the first grace period. A grace period shall be terminated upon approval by the Board of a Funeral Director in Full and Continuous Charge.
- (5) Destruction. A funeral establishment or crematory temporarily destroyed by fire, flood or other natural catastrophe, shall notify the Board, in writing, within (5) five days following the catastrophe, requesting a 90-day grace period to use a temporary location while reconstructing the previous location, provided the establishment or crematory meets the requirements of the Code and Rules of the Board. The Board, at its discretion, may grant additional 90-day grace periods, upon proof of good cause. All services provided to the public during any grace period shall be provided by or under the supervision of a licensed funeral director.

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Cite as Ga. Comp. R. & Regs. R. 250-6-.02

Authority: O.C.G.A. Secs. [43-18-23](#), [43-1-2](#), [43-18-71](#), [43-18-73](#), [43-18-74](#), [43-18-77](#), [43-18-7](#).

History. Original Rule entitled "Reciprocity for Embalmer License" was filed on January 21, 1977; effective February 10, 1977.

Amended: Filed December 29, 1978; effective January 18, 1979.

Amended: Rule repealed and a new Rule of same title adopted. Filed November 7, 1983; effective November 27, 1983.

Amended: Rule repealed and a new Rule entitled "Reciprocity for Funeral Director License" adopted. Filed July 18, 1986; effective August 7, 1986.

Repealed: New Rule entitled "Changes for Status Which Must be Reported" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Amended: F. May 13, 1997; eff. Jun. 2, 1997.

Repealed: New Rule of same title adopted. F. Dec. 10, 2009; eff. Dec. 30, 2009.

Rule 250-6-.06 Funeral Establishment Inspections; Fines

- (1) A representative of the Board shall regularly inspect establishments between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday, with the exception of State government-mandated holidays. Although the funeral director in full and continuous charge need not be present for the inspections, the establishment must be available during these hours for inspection. Upon finding a funeral establishment unavailable during an inspection attempt, the Board representative shall contact the establishment at the telephone number of record with the Board, or an alternative telephone number conspicuously posted at the establishment. If the establishment is not made available for an inspection by an establishment employee within sixty (60) minutes of the telephone contact, or if telephone contact is unsuccessful, the Board representative shall issue a written warning notifying that an inspection attempt was made. Any funeral establishment not inspected during a calendar year may have the establishment license suspended, revoked, or put on probation, or fines may be imposed by the Board.
- (2)
 - (b) All embalming rooms shall be equipped with the following:
 1. hot and cold running water; the fine for a violation under this subsection shall be \$200.00.
 2. non-absorbent sanitary floor and walls; the fine for a violation under this subsection shall be \$200.00.
 3. permanently installed ventilation; the fine for a violation under this subsection shall be \$200.00.
 - ☒ 4. a non-absorbent preparation table; the fine for a violation of this subsection shall be \$200.00.
 5. a sink with drain opening and non-porous sanitary cover into a sewerage or septic tank; the fine for a violation under this subsection shall be \$200.00.
 - (c) In addition, each embalming room shall be equipped with a separate sink for disinfecting of hands and instruments. The fine for a violation under this subsection shall be \$50.00.
 - (d) Each embalming room, including all instruments and tables, shall be kept in a sanitary and clean condition at all times. The fine for a violation of this subsection shall be \$200.00.
 - (e) Each embalming room shall contain instruments and supplies for the separation and embalming of dead bodies. Instruments and equipment must consist of the following:
 1. at least one scalpel; the fine for a violation of this subsection shall be \$50.00.

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2. at least two aneurysm needles; the fine for a violation of this subsection shall be \$50.00.
 3. at least two cannulas; the fine for a violation of this subsection shall be \$50.00.
 4. embalming machine, or gravity bottle or bulb or hand pump; the fine for a violation of this subsection shall be \$50.00.
 5. 24 bottles arterial fluid and 24 bottles cavity fluid; the fine for a violation of this subsection shall be \$50.00.
 6. suture; the fine for a violation of this subsection shall be \$50.00.
 7. 1 suture needle; the fine for a violation of this subsection shall be \$50.00.
 8. trocar; the fine for a violation of this subsection shall be \$50.00.
 9. hydro aspirator or electric aspirator; the fine for a violation of this subsection shall be \$50.00.
 10. a permanently installed back flow preventer for the hydro aspirator; the fine for a violation of this subsection shall be \$50.00.
- (f) The embalming room of an establishment shall be used only for the purpose of embalming of dead human bodies. The fine for a violation of this subsection shall be \$200.00.
- (g) An establishment must maintain on the premises a display room containing actual adult caskets, or models, mockups, or sections of caskets if all such caskets are available and in stock for purchase at the establishment or can be delivered within 24 hours. Each funeral establishment shall maintain on the premises at each of its locations an adequate stock of funeral caskets which shall not be less than eight and which shall meet such other criteria as necessary to protect the public; The fine for a violation under this subsection shall be \$100.00 per casket short of the minimum.
- (h) ~~A room with adequate seating for a minimum of 30 people in which funeral services may be conducted. - The fine for a violation under this subsection shall be \$100.00. Seating for at least 30 persons shall be maintained in the room where funeral services are conducted in the establishment. The fine for a violation under this subsection shall be \$100.00.~~
- (i) One operable motor hearse and/or combination hearse/ambulance with current Georgia registration for the transportation of casketed human remains which must be maintained at each establishment. The fine for a violation under this subsection shall be \$100.00.
- (j) One church truck. The fine for a violation of this subsection shall be \$50.00.
- (k) A funeral establishment shall not be located in the same facility as public cafes, restaurants or any place where food is prepared and sold for public consumption. The fine for a violation of this subsection shall be \$500.00.
- (l) A funeral establishment whose funeral director resides in the funeral establishment in order to satisfy the requirements of funeral director in full and continuous charge must include in his or her living quarters furnished sleeping quarters, cooking, refrigerating, and bathing facilities. The fine for a violation of this subsection shall be \$200.00.
- (m) An establishment must have at least one sanitary rest room facility for public use. The fine for a violation of this subsection shall be \$200.00.

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- (n) A new establishment must submit proof of having met zoning requirements and public health standards of its local municipalities.
- (o) An establishment must be maintained in a state of clean, sound, safe, and acceptable repair and condition at all times.
- (p) A funeral home shall have a card or brochure in each casket stating the price of the casket. When the client has decided on the type of service desired, the funeral director must provide, at the time such arrangements are completed and prior to the time of rendering the service or providing the merchandise, a written statement that has been signed and certified by a licensed funeral director showing:
 - 1. The price of the service that the person or persons has selected and what is included therein;
 - 2. the price of each of the supplemental items of service and merchandise requested;
 - 3. the amount involved for each of the items for which the funeral home will advance monies as an accommodation to the family.
- (i) The fine for failure to comply fully with the requirements of this subsection shall be \$200.00.
- (q) A current biennial renewal license for the establishment, embalmer, funeral director and any apprentices must be conspicuously displayed. The FDFCC for each funeral establishment and/or crematory establishment shall conspicuously display his/her name and current active license in all designated arrangement offices. The fine for a violation of this subsection shall be \$100.00.
- (r) For purposes of identification of the body or remains of a deceased person for tagging purposes as required by OCGA 43-18-8, tags and/or labels must be attached to the deceased human body in the funeral establishment at the time the body is dressed and/or placed in the casket and/or shipping container, or prior to leaving the funeral establishment to go to the crematory. The fine for failure to comply fully with the requirements of this subsection shall be \$100 per occurrence.
- (s) May issue Cease and Desist order for unsanitary conditions

Cite as Ga. Comp. R. & Regs. R. 250-6-.06

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-18-2, 43-18-23, 43-18-46, 43-18-70, 43-18-71, 43-18-72, 43-18-75, 43-18-76.

History. Original Rule entitled "Determination of Funeral Director in Full and Continuous Charge" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Amended: Rule renumbered from 250-6-.04 to 250-6-06. F. Jan. 30, 1996; eff. Feb. 13, 1996.

Amended: F. May 1, 1998; eff. May 21, 1998.

Repealed: New Rule of same title adopted. F. Sept. 22, 2003; eff. Oct. 12, 2003.

Repealed: New Rule of same title adopted. F. Mar. 15, 2007; eff. Apr. 4, 2007.

Amended: F. May 9, 2007; eff. May 29, 2007.

Amended: F. Dec. 10, 2009; eff. Dec. 30, 2009.

Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 250-6-.07 Crematory Inspections. Amended

- (1) A representative of the Board shall regularly inspect crematories no less frequently than annually between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday.

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Although the funeral director in full and continuous charge need not be present for the inspection, the crematory must be open during these hours for inspection. Requirements of inspections are as follows:

- (a) ~~A room with seating for a minimum of 30 people in which funeral services may be conducted. The fine for a violation under this subsection shall be \$100.00.~~ A room, with seating for at least 30 persons, where funeral services are conducted in the crematory.
 - (b) A display room containing an adequate supply of urns; The fine for a violation under this subsection shall be \$50.00.
 - (c) One operable motor hearse with current Georgia registration for the transportation of human remains which must be either owned or leased by said firm; The fine for a violation under this subsection shall be \$100.00.
 - (d) At least one operable retort for cremation; The fine for a violation of this subsection shall be \$200.00.
 - (e) At least one operable processing station for grinding of cremated remains; The fine for a violation of this subsection shall be \$200.00.
 - (f) At least one church truck; ~~and~~ The fine for a violation of this subsection shall be \$50.00.
 - (g) A current license for the crematory and funeral director, which must be conspicuously displayed. The fine for a violation of this subsection shall be \$100.00.
 - (h) The provisions of paragraphs (a), (b), and (f) of this Rule shall not apply to crematories which provide cremation services only to other funeral establishments.
 - (i) The Funeral Director in Full and Continuous Charge for each crematory shall conspicuously display his/her name and current active license in all designated arrangement rooms. The fine for a violation of this subsection shall be \$100.00.
- (2) A representative of the Board shall be authorized to obtain information on the retort used by the establishment for cremations. Such information shall include, but not be limited to:
- (a) Make and model of the retort;
 - (b) Manufacturer's name;
 - (c) Year installed;
 - (d) Date of most recent manufacturer's inspection;
 - (e) Copy of most recent inspection report from manufacturer;
 - (f) Documentation regarding necessary repairs to the retort.
- (3) The Board shall require crematories to have annual inspections of the retort by the manufacturer or other authorized crematory repair company to ensure proper operations. The Funeral Director in Full and Continuous Charge shall notify the Board within 5 (five) days of the inspection of a less than satisfactory report by presenting the Board with a copy of the inspection report. The Board shall require crematories to make necessary repairs to the retort immediately, not to exceed 30 days without approval by the Board. Any crematory that does not make the necessary repairs noted on the

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Cite as Ga. Comp. R. & Regs. R. 250-6-.07

Authority: O.C.G.A. §§ [43-1-19](#), [43-1-25](#), [43-18-2](#), [43-18-23](#), [43-18-46](#), [43-18-71](#), [43-18-72](#), [43-18-75](#), [43-18-76](#).

History. Original Rule entitled "Crematory Inspections" adopted. F. Jan. 30, 1996; eff. Feb. 19, 1996.

Amended: F. Aug. 16, 2002; eff. Sept. 5, 2002.

Repealed: New Rule with same title adopted. F. Dec. 13, 2012; eff. Jan. 2, 2013.

Amended: F. Dec. 4, 2015; eff. Dec. 24, 2015.

Rule 250-6-.08 Determination of Funeral Director in Full and Continuous Charge

The Board shall have the authority to evaluate each application for a funeral establishment or crematory license to determine whether the funeral director has the ability to be accessible, and available to the community if the funeral director does not spend a minimum of ~~forty (40)~~ hours per week in the employ and operation of the establishment. The Board may then approve an application where the funeral director does not satisfy the specific requirement to spend a minimum of ~~forty (40)~~ hours per week in the employ and operation of the establishment or crematory if the Board is satisfied that the funeral director will be accessible and available to the community. ~~The individual approved by the Board to serve as the Funeral Director in Full and Continuous Charge may only serve in such a capacity at on Funeral Establishment, but may also serve as the Funeral Director in Full and Continuous Charge at a Crematory if such Crematory is located at the same physical address as the approved Funeral Establishment. The individual approved by the Board to serve as the Funeral Director in Full and Continuous Charge may only serve in such a capacity at on Funeral Establishment, but may also serve as the Funeral Director in Full and Continuous Charge at a Crematory if such Crematory is located at the same physical address as the approved Funeral Establishment.~~ In determining whether the funeral director possesses the ability to be accessible and available to the community, the Board will consider;

- (a) the proximity of the funeral director's other employment and/or residence to the funeral establishment;
- (b) the funeral director's ability to obtain leave from his/her other job in order to attend to the affairs of the funeral establishment; and
- (c) any other information which relates to the ability of the funeral director to adequately supervise the operation of the funeral establishment.

Cite as Ga. Comp. R. & Regs. R. 250-6-.08

Authority: O.C.G.A. Sec. [43-18-71\(a\)](#).

History. Original Rule entitled "Determination of Funeral Director in Full and Continuous Charge" was renumbered from [250-6-.06](#) to [250-6-.08](#) Jan. 30, 1996; eff. Feb. 19, 1996.

Rule 250-7-.01 Complaints

- (1) A complaint may be filed by any person by submitting a written statement to the Georgia State Board of Funeral Service at 237 Coliseum Drive, Macon, Georgia 31217.
- (2) The complaint shall include the complainant's name, address and phone number, ~~and email address if applicable, shall be signed by the complainant,~~ and shall give the name and address of the person or business entity against whom the complaint is being filed.
- (3) The complainant must specifically state the circumstances which led to the complaint being filed.

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- (4) While a complaint is under investigation, the name of the person or business entity against whom the complaint is being filed shall be treated as confidential as provided in O.C.G.A. § [43-1-19\(h\)\(2\)](#). However, the name of the person or business entity will no longer be treated as confidential once the Board takes an official action which places it into the public record.
- (5) Once a Board member becomes aware of the identity of a person who is the subject of a complaint, and the Board member has a personal relationship with that person which would affect the Board member's judgment or has prior knowledge of a person's practice which would affect the Board member's judgment, the Board member shall immediately disclose to the Board such relationship or knowledge, and shall not participate in the deliberation or the vote on the complaint; however, nothing herein shall preclude any Board member from giving testimony in the matter.

Cite as Ga. Comp. R. & Regs. R. 250-7-.01

Authority: O.C.G.A. Secs. [43-1-2](#), [43-1-19](#), [43-18-23](#), [43-18-46](#), [43-18-47](#).

History. Original Rule entitled "Full and Continuous Charge" adopted. F. Aug. 2, 1977; eff. Aug. 22, 1977.

Repealed: New Rule of same title adopted. F. Apr. 18, 1984; eff. May 8, 1984.

Repealed: New Rule entitled "Complaints" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

Amended: F. Aug. 16, 2002; eff. Sept. 5, 2002.

The Board voted for each of the above proposed rule amendments that the formulation and adoption of the rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the statutes which are the basis for that proposed rule. Additionally, the Board voted that it is not legal or feasible to meet the objectives of the rule's legal authority to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed or owned and operated in the field of funeral service.

Legal Authority was not provided for 250-4-.01, 250-4-.02(1), 250-4-.04(4), 250-5-.06, and 250-6-.05.

Licenses referred to the Attorney general's office for Cease and Desist orders:

Grace periods expired – no FDFCC:

FEST000066 – Bynes-Royall Funeral Home

FEST001873 – C.A. Reid Funeral Home

Hardship extension:

FEST000757 – King and Sons Funeral Home; extended to January 15, 2017. No further extensions will be granted.

Requests to Lift Probation:

FEST000440 – Hancock Funeral Home – approved.

FD002482 – Mary Hancock – approved.

Open Records Request:

Vertical Screen – The Board voted to deny the request to release information; public records only.

The Board was advised that Lisa Durden, Director of Professional Licensing Boards, has approved the request to align Funeral Establishment renewal date with the Funeral Director and Embalmers license

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renewals; March 31st even years. Funeral Establishments will renew for 1 year in 2017, and then will renew for 2 years in 2018 to be aligned with Funeral Director licenses.

The Conference:

The Board reviewed information received from The Conference regarding an open position on the board of directors to represent District 3.

O.C.G.A. 43-1-34:

Information regarding O.C.G.A. 43-1-34 was noted and will be added to the January 2017 agenda.

The next meeting of the Georgia Board of Funeral Service will be held Tuesday, January 10, 2017 at 10:00 a.m. at 237 Coliseum Drive, Macon, Georgia.


There being no further business, Chair Hightower declared the meeting adjourned at 4:26 p.m.

Minutes recorded by: Sandy Barboza, Board Support Specialist

Minutes reviewed and edited by: La Trena Tyler-Jones, Executive Director

Minutes approved on 1/10/2017


Bryant Hightower, Chair


La Trena Tyler-Jones, Executive Director

STATE OF GEORGIA

COUNTY OF BIBB

AFFIDAVIT SUPPORTING CLOSING OF PUBLIC MEETING

The Georgia Open Meetings Act, O.C.G.A 50-14-1 et seq., requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception which permits the closing of the meeting. If such a meeting is to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specified exemptions relied upon. O.C.G. A. 50-14-4(b). A copy of this affidavit must be filed with the minutes of the meetings in question.

Comes Bryant Hightower, the Chairman identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of the statutory requirements outlined above.

1. I am the presiding officer of the Georgia State Board of Funeral Service
2. I am over the age of 18 and in other aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and subject to penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On **November 29, 2016** this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of members present voted to close the meeting or a portion hereof of the following indicated reason(s). I hereby certify that that during the closed portion of the meeting, only those subjects indicated below were discussed. I also certify that I have reviewed the exceptions provided under the Open Meetings Act that may permit the closing of a meeting and that, to the best of my knowledge, the reasons I have described in detail below meet the requirements for closing this public meeting.
4. The legal authority for closure of this meeting was: O.C.G.A. 43-1-2(k).
5. The subjects discussed and the underlying facts supporting the closing of this meeting are as follows:

Applications and other personal information submitted by the applicants; information, Favorable or unfavorable, submitted by a reference source concerning an applicant; and Deliberations of the Board with respect to an application, an examination, a complaint, an Investigation, or a disciplinary proceeding.

FURTHER THE AFFIANT SAYETH NOT.


PRESIDING OFFICER

Sworn to and subscribed before me this 29th
Day of NOVEMBER, 2016.
Deborah H. Norton
Notary Public
My Commission Expires: FEB-14, 2017

